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LEWIS, ALICIA M				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/533,753

**Applicant(s)**LEURS, NATHALIE DOROTHEE  
PIETERNEL**Examiner**

Alicia M. Lewis

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,8,9,11-15 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8,9,11-15 and 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/21/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is responsive to communication filed November 21, 2007.

Claims 1, 15 and 17 have been amended, claims 2-7 and 16 have been canceled, and claims 19-26 have been added. Claims 1, 8-9, 11-15, and 17-26 remain pending in this application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8, 9, 11-15, 17 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crabtree et al. (US 2004/0039814 A1) ('Crabtree') in view of Specter et al. (US 2002/0147628 A1) ('Specter').

With respect to claims 1 and 16, Crabtree teaches:

determining a user preference profile (paragraph 63);

detecting a content item interest (paragraphs 69 and 75);

determining that the content item interest does not correspond to the user preference profile (paragraph 77);

determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile (paragraphs 77-85);

recommending a number of preference content items associated with the temporary user preference profile (paragraphs 79 and 87);

determining user preference of the recommended content items (paragraph 87-88 and 165), wherein the number of recommended content items depends on the determined user preference (paragraph 87) (***Crabtree teaches determining user preference by monitoring the number of times a user accesses information relating to the suggested interest. The number of items recommended depends on the number of times a user accesses information, i.e., his/her preference of the information. When a user has accessed more than a threshold number of times, the interest is automatically added to the user's profile and items associated with the temporary profile are not recommended any more.***); and

depending on the determined user preference, modifying the user preference profile to reflect the temporary user preference profile (paragraphs 82-88) (***Crabtree teaches that the profile modified monitors access of information related to the suggested interest, and when a certain criteria is met (i.e., a threshold number of accesses or minimum time accessing), the interest is added to the profile.***).

Although Crabtree teaches determining user preference of content items, wherein the number of content items depends on the determined preference; and depending on the determined user preference, modifying the user preference profile, he does not teach user preference values.

Specter teaches a method and apparatus for generating recommendations for consumer preference items (see abstract), in which he teaches user preference values, including:

determining user preference values of the recommended content items (paragraph 39), wherein the number of recommended content items depends on the determined user preference values (Figure 4, paragraph 40) ***(Specter teaches that user rating are determined for selected profile items, and that items greater than a threshold are displayed to a user. It is then determined if the items are acceptable by a user, if not, the items are redisplayed and re-rated until a user finds the items acceptable. The number of recommended items thus depends on a user rating (must be greater than threshold) and acceptability of the user.);*** and depending on the determined user preference values, modifying the user preference profile to reflect the temporary user preference profile (paragraph 40) ***(Specter teaches that when acceptable items are obtained, the profile is refined).***

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Crabtree by the teaching of Specter because user preference values would enable a need for a recommendation system that can generate substantial numbers of recommended items that accurately reflect a consumer's preferences (Specter, paragraph 8).

With respect to claim 8, Crabtree as modified teaches wherein the modification of the user preference profile is realized by including a user preference profile addition (Crabtree, paragraphs 86 and 87).

With respect to claim 9, Crabtree as modified teaches wherein the user preference profile addition is temporary (Crabtree, paragraphs 56 and 70).

With respect to claim 11, Crabtree as modified teaches wherein the content item interest is detected from a detection of a user selection of a content item (Crabtree, paragraphs 65, 69 and 100).

With respect to claim 12, Crabtree as modified teaches further comprising the step of recommending the content item for initial selection (Crabtree, paragraph 69).

With respect to claim 13, Crabtree as modified teaches wherein the recommendation of the content item is in response to an increase of preference values of other users for content items associated with the content item (Crabtree, paragraphs 33 and 69, claim 7).

With respect to claim 14, Crabtree as modified teaches further comprising the step of receiving topic interest information from an external source and wherein the

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content item interest is detected in response to the topic interest information (Crabtree, paragraphs 54 and 69).

With respect to claim 15, Crabtree as modified teaches wherein the external source comprises at least one source chosen from the group of newspapers, websites, and broadcast sources (Crabtree, paragraph 69).

With respect to claim 17, Crabtree as modified teaches:

a recommender processor for determining a user preference profile (Crabtree, paragraph 63);

a user interface controller for detecting a content item interest after receiving a selection of multiple content items (Crabtree, paragraphs 69 and 75);

wherein the recommender processor is operable to:

determine that the content item interest does not correspond to the user preference profile (Crabtree, paragraph 77);

determine a temporary user preference profile in response to the content item interest failing to correspond to the user preference profile (Crabtree, paragraphs 77-81);

recommend a number of preference content items associated with the temporary user preference profile (Crabtree, paragraphs 79 and 87);

determine that other content items associated with the temporary user preference profile achieve high user preference values (Crabtree, paragraphs 87-88;

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Specter, paragraph 40), wherein the number of recommended content items is determined in dependence of the determined user preference values (Crabtree, paragraphs 87-88; Specter, Figure 4, paragraphs 39 and 40); and

modify the user preference profile to reflect the temporary user preference profile (Crabtree, paragraphs 82-88).

With respect to claim 19, Crabtree as modified teaches wherein the number of recommended content items depends on a selection rate of the recommended content items (Crabtree, paragraphs 87-88).

With respect to claim 20, Crabtree as modified teaches wherein the number of recommended content items depends on the user's ratings of a recommended content item (Crabtree, paragraph 165; Specter, paragraphs 39-40).

With respect to claim 21, Crabtree as modified teaches wherein the number of recommended content items depends on a selection rate of the recommended content items and the user's ratings of a recommended content item (Crabtree, paragraphs 87-88; Specter, paragraphs 39-40).

With respect to claim 22, Crabtree as modified teaches including recommending a relatively greater number of content items if the determined preference values are relatively conclusive of an interest in or a disinterest in the recommended content items



(Crabtree, paragraph 87; Specter, Figure 4, paragraph 40) and a relatively lower number of content items if the determined preference values are relatively inconclusive of an interest in or a disinterest in the recommended content items. ***(According to Crabtree, when an interest is determined to be of interest to user (based on user preference), it is added to the user's (regular) profile. Therefore, items related to the interest will be provided relatively more often, since the interest appears in the user's profile.)***

With respect to claim 23, Crabtree as modified teaches wherein the content interest belongs to a first category and a second category (Crabtree, paragraph 71) and recommending a first content item that belongs to the first category and a second content item that belongs to the second category (Crabtree, paragraphs 199-200; Specter, paragraphs 38-39), determining includes determining user preference values for the first and second content items (Specter, paragraph 39), wherein the method includes updating the temporary user preference profile to reflect user preferences for the first and second content items (Crabtree, paragraph 221). ***(Crabtree teaches that interests may be tagged with more than one category of context, i.e., work and play. He further teaches that content items belonging to different categories may be recommended, and finally that the profile may be updated (i.e., moving the position of an interest in a list, deleting an interest from the profile, or adding an interest to a profile). Specter teaches selecting categories, generating profile***

**items corresponding to subclasses of each category, and rating the profile items.)**

3. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crabtree et al. (US Patent Application Publication 2004/0039814 A1) ('Crabtree') in view of Hane (US 2004/0083490 A1).

With respect to claim 24, Crabtree teaches:

determining a user preference profile (paragraph 63);

detecting a content item interest (paragraphs 69 and 75);

determining that the content item interest does not correspond to the user preference profile (paragraph 77);

determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile (paragraphs 77-85);

recommending a number of preference content items associated with the temporary user preference profile (paragraphs 79 and 87);

determining user preference of the recommended content items (paragraph 87-88 and 165) **(Crabtree teaches determining user preference by monitoring the number of times a user accesses information relating to the suggested interest.);**

using the determined user preference to generate a preference for the temporary user preference profile (paragraph 87) **(Crabtree teaches that a user's access to information related to the suggested interest is monitored (user preference) to**

**determine if a user is interested in the suggested interest (preference for the temporary profile). This determination is made by monitoring access to see if the number exceeds a threshold value.); and**

depending on the generated preference, modifying the user preference profile to reflect the temporary user preference profile (paragraph 87) **(Crabtree teaches that the profile modified monitors access of information related to the suggested interest, and when a certain criteria is met (i.e., a threshold number of accesses or minimum time accessing), the interest is added to the profile).**

Although Crabtree teaches determining user preference of content items; using the determined preference to generate a preference for the temporary user preference profile; and depending on the generated preference, modifying the user preference profile, he does not teach preference **values**.

Hane teaches a program recommendation system (see abstract), in which he teaches preference values, including:

determining user preference values (evaluation values) for the recommended content items (paragraphs 141-142 and 148);

using the determined user preference values (evaluation values) to generate a preference value (evaluation value plus profile value) for a profile (paragraphs 141-142) **(Hane teaches that an evaluation value of a program is added to a profile value of the retrieved value; thus, the evaluation value (user preference value) is used to generate a preference value for the profile, the generated preference value being the addition of the profile value and evaluation value.); and**

depending on the generated preference value, modifying a user profile/  
recommendation page (paragraphs 148 and 154-156).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Crabtree by the teaching of Hane because preference values would enable a recommendation system having a plurality of profiles, which represent user preference from different aspects. The difference profiles are then used to determine which program to recommend (Hane, abstract).

With respect to claim 25, Crabtree as modified teaches determining the number of recommended content items in dependence on the user's interest in the recommended content items.

With respect to claim 26, Crabtree as modified teaches receiving topic interest information from a website, and wherein the content item interest is detected in response to the topic interest information (Crabtree, paragraphs 54 and 69).

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Crabtree et al. (US Patent Application Publication 2004/0039814 A1) ('Crabtree') in view of Specter et al. (US 2002/0147628 A1) ('Specter'), as applied to claims 1, 8, 9, 11-15, 17 and 19-23 above, and further in view of Huper-Graff et al. (US Patent Application Publication 2004/0044677 A1) ('Huper-Graff').

With respect to claim 18, Crabtree as modified teaches a recommender as claimed in claim 17.

Crabtree as modified does not teach a private video recorder.

Huper-Graff teaches a method of personalizing information and services from various media sources (see abstract), in which he teaches a private video recorder (paragraph 2 lines 12-16).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Crabtree by the teaching of Huper-Graff because a private video recorder would enable classification of information sources (content and services alike) to provide the user with personalized data content recommendations (Huper-Graff, paragraph 8). Furthermore, Crabtree's recommendation system could be used with television, wherein the PVR would follow user behavior and record what seems to be relevant shows for the user.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 8-9, 11-15, and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-

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5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis  
February 29, 2008

/Sam Rimell/  
Primary Examiner, Art Unit 2164